

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILEDIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2010 JAN -6 PM 12: 59

DEPUTY CLERK ph

In re: WALTER HENRY PRICE,

DEBTOR

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CIVIL ACTION CAUSE NUMBER

2:09-CV-256-J

ORDER DENYING PAUPER STATUS AND ORDER OF DISMISSAL

WALTER HENRY PRICE, while a prisoner incarcerated in the custody of the Texas Department of Criminal Justice, Correctional Institutions Division, filed his appeal from the final ruling of the Bankruptcy Court on October 15, 2009. On October 23, 2009, PRICE filed a motion for leave to proceed in forma pauperis, which was referred to the undersigned Magistrate Judge by the United States District Judge by Order issued October 26, 2009. Subsequently, PRICE filed two additional motions for leave to proceed in forma pauperis on November 24, 2009 and December 10, 2009, which were also referred to the undersigned Magistrate Judge by the United States District Judge on November 25, 2009 and December 17, 2009, respectively.

On December 17, 2009, a Report and Recommendation was issued by the United States Magistrate Judge reviewing PRICE's motion and supporting financial disclosures, applying the fee provisions of the Prison Litigation Reform Act¹, and concluding that PRICE had more than sufficient assets to enable him to pay the filing fee in the instant cause and, therefore, did not qualify for pauper status. PRICE was given fourteen days in which to pay the filing fee or file his objections.

The period for objections expired December 31, 2009.

No objections to the Report and Recommendation of the Magistrate Judge have been received from PRICE and no payment of the filing fee been made.

¹See *Lefkowitz v. Citi-Equity Group, Inc.*, 146 F.3d 609 (8th Cir. 1998).

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

PRICE's motions to proceed in forma pauperis are DENIED.


IT IS THEREFORE ORDERED that this CAUSE is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PAY THE FILING FEE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to WALTER HENRY PRICE and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 6th day of January, 2010.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE